APPENDIX A.

United States Court of Appeals

FOR THE EIGHTH CIRCUIT.

No. 16,273

Edward Vance, Appellant, v. American Society of Composers, Authors and Publishers (ASCAP), et al, Appellees.	Appeal from the United States District Court for the Western District of Missouri.

October 26, 1959.

Edward Vance, pro se.
Maurice J. O'Sullivan for appellees.

Before WOODROUGH AND MATHES, Circuit Judges and MICKELSON, District Judge.

Edward Vance, appellant herein, who lives in Missouri, claims that he is the author and composer of certain songs titled "Somebody Else is Taking My Place", "The Honey Song ('Honey I'm in Love With You')", "Some Day (You'll Want Me to Want You)", and that he wrote and composed them at different times prior to 1942. On and be-

fore that date the same songs had been published and copyright had been obtained for each, respectively, by one of the three New York publishing companies, Mainstreet Songs, Inc., Edwin H. Morris & Company, Inc., and Shapiro, Bernstein & Company, Inc., named as appellees herein and in their several registrations for copyright, the authorship of the songs was ascribed to persons other than Mr. Vance. The Statutory Certificates of Copyright Registration on the songs claimed by Vance but issued respectively to the three New York publishing companies have remained unrevoked approximately seventeen years and the songs have reached the public in the usual ways as sheet music, rolls, records and broadcasts licensed through the record proprietors of the copyrights. The original copyrights have also been expanded from time to time in favor of the same copyright proprietors to cover arrangements and additional, revised and new words and changes.

Ever since 1944, Mr. Vance has been trying to establish a right to the songs in court and to recover damages for the use that has been made of them under the copyright by others, but all actions he has brought have been dismissed without joinder of issue on the merits and without trial or determination of his claim of authorship. He is not a lawyer and has himself prepared the complaints he has lodged, undertaken to cause issuance and service of process in the actions and made his own oral and briefed arguments to the many judges on whose dockets his cases have appeared. All of the federal district judges who have considered his pleadings and contentions have reached the same conclusions that was expressed by Judge Sugarman in 1953 in *Vance v. American Society of Composers, Authors, and Publishers et al.*, 14 F.R.D. 31:

"Full opportunity has been given plaintiff to set forth his claims, whatever they may be. He has ignored the court's offer to supply, or its advice that he retain competent counsel.

"The time has come when this court must assert its indisposition to be further imposed upon by this plaintiff's refusal to retain or accept competent counsel.

"The motions to dismiss the complaint for failure to comply with F.R. Civ. Rule 8(e), 28 U.S.C., are granted with prejudice and without leave to plead over."

Up until 1958, Mr. Vance always sought to make out a case and obtain recovery as the owner of common law rights in the songs but in an action he brought in that year in the Western District of Missouri he showed that he himself had made registry of the songs during that year and claimed to be the proprietor of copyrights on them as unpublished songs written and composed by him. That case was on Chief Judge Duncan's docket and in June of 1958, Judge Duncan entered an order declaring that "Lack of venue in this Court disposes of the plaintiff's action *" and that case was dismissed in 1958 without joinder of issues.

Mr. Vance brought the present action on January 26, 1959, and it also culminated in the entry of a final order of dismissal by Judge Smith at Kansas City on May 6, 1959, as follows:

"MEMORANDUM AND ORDER

(Filed May 6, 1959)

"Plaintiff has instituted this suit against the defendants above named seeking damages for alleged infringement of plaintiff's copyrights, illegal use of 'illegal copyrights' and other matters

"This is one of eighteen various proceedings filed by plaintiff over a period of some fifteen years, in this Court, in the United States District Court for the Eastern District of Missouri, and in the United States District Court for the Southern District of New York.[1] The last proceeding, so far as our records indicate, was terminated June 11, 1958, by Chief Judge Duncan of this Court in Case No. 11726. Although from time to time various defendants have been named in the cases, certain of them have been named consistently in all of them; and all of them involve substantially the same subject and the same claims. This one involves as an additional element the claim that in February, 1958, plaintiff himself obtained copyright registration of the four songs which form the basis of this action, although his own pleadings and exhibits show that they were copyrighted by others many years ago.

"Without exception these various proceedings have been dismissed. Some have been dismissed for failure to comply with Rule 8, Federal Rules of Civil Procedure, as this one most certainly could be. Some have been dismissed for lack of jurisdiction because of improper venue as to certain of the defendants, as this one well could be. Others have been dismissed on the ground that they fail to state a claim upon which relief may be granted. All of them stem from the same basic charge of alleged use of alleged illegal copyrights.

"But at this time there are before me for consideration various motions to quash returns of service, separate pleas to the venue and motions to dismiss as

1 Those reported are *Vance* v. *ASCAP et al.*, 13 F.R.D. 109 (D.C. S.D. N.Y.), *Vance* v. *United States et al.*, 13 F.R.D. 203 (D.C. S.D. N.Y.), *Vance* v. *ASCAP et al.*, certiorari denied 329 U.S. 809, *Vance* v. *ASCAP et al.*, 14 F.R.D. 30. Unreported *Vance* v. *ASCAP et al.* (D.C. W.D. Mo.) No. 4139, and see *Vance* v. *ASCAP et al.* (D.C. E.D. Mo.) No. 10261 (3) (Footnote added).

to certain named defendants. There is a wealth of material in the way of research, documents, decisions and rulings sufficient to eliminate the necessity for further extensive review of the background of this case. It is apparent that the complaint fails to state a claim upon which relief may be granted; and this Court, therefore, lacks jurisdiction of the subject matter here. For these reasons plaintiff's complaint is dismissed without leave to file an amended complaint.

"It is so Ordered."

Mr. Vance moved to vacate the Order and to "correct mistakes made by the court due to misapprehension of the issues and misappropriation of the law applicable to the issues." His motion was overruled.

He has taken the present appeal to obtain a reversal of the dismissal and as in all former cases he has conducted the proceedings in this Court himself. He made his own oral argument at the bar and in the allotted time failed to clearly apprise the Court of the causes of action intended to be pleaded in his complaint. As shown by the record, Mr. Vance lodged with the clerk of the district court along with his complaint a large number (between 95 and 125) of "exhibits" inserted loosely into two large envelopes declared generally in the complaint to be "made part of the complaint * * * which must be gone into by this court." Particular "exhibits" were not connected with specific allegations of the complaint and it results that the purport and intent of the complaint must be sought in the "exhibits" and is not shown by simple, concise, and direct allegations contained in it. His oral argument was mainly directed to "exhibits" which he drew from the envelopes. It follows that this complaint, like that considered by Judge Sugarman and quoted from above, utterly fails to comply with Rule 8 F.R.C.P. It was attacked on that

ground before Judge Smith and his conclusion that the complaint could certainly be dismissed for failure to comply with that Rule is fully justified.

The complaint lumps all the nineteen defendants together in its charge that they had wrongfully collected six million dollars from plaintiff's songs and it demands judgment against all for a million and one half. However anxious the courts are to decide the claims of every litigant on the merits, no defendant can justly be subject to the maintenance in court of such demands for vast sums of money against him unless the demands are presented in the orderly way the rules require. Neither can the district judges draw pleadings for one litigant to bolster them against attack from the other. The plaintiff's complaint was framed in disregard of lawful requirements and for that reason the dismissal of it must be held to have been without error.

The conclusion of the court that there was improper venue requiring dismissal of the action is also fully sustained. Disregarding the insufficiency of the complaint, we note that it does charge unequivocally that the three New York publishing companies each procured its copyrights on a song claimed by plaintiff "illegally through fraud, deceit, tricks, and misrepresentations against the United States" and have used and are using the copyrights illegally and that "unless the Court declares the * * * illegal copyrights registrations * * * invalid * * * plaintiff will be unable to enforce his copyrights." Plaintiff demands that the copyrights of which the publishers are the purported owners be declared illegal and invalid. He also demands injunction against them.

From these allegations and demands it is apparent that it is the object of plaintiff's suit to have invalidated and to

divest the New York publishers of ownership of the copyrights that they have held as record owners and claimed as their property for many years and that without that relief plaintiff cannot proceed against the other defendants. But the record shows that neither of the New York publishing companies, purported owners of the copyrights, is found within the territorial jurisdiction of the court where this action is brought and no valid service of process has been or can be made upon either of them there. Certainly copyrights are property and the plaintiff did not and could not show how the court could divest the holders of the copyrights here involved without valid service of process on them and according them a day in court. They are manifestly indispensable parties to the plaintiff's action as the unequivocal allegations of the complaint referred to clearly demonstrate and the court did not err in finding improper venue as to them.

In this action Mr. Vance joined two local radio stations, one television broadcasting station, a distributor and two sellers of phonograph records, and local companies which handled some phonograph records of the songs as defendants, but all of them have acted under authority derived from the original statutory copyright proprietors and as plaintiff pleaded in his complaint he could not enforce his copyright which he undertook to register in 1958 against any of them without adjudication of invalidity of the long outstanding copyrights of the New York publishers.

The conclusion of the district court that in the absence from the jurisdiction of the indispensable parties defendant there was "improper venue" and that the court was without jurisdiction of the subject matter was therefore not erroneous.

The appellees also contend in support of the judgment, as they did in the district court, that plaintiff's case

against all defendants is barred by the statute of limitations.

Prior to 1958, the federal copyright law contained no limitation of time within which a civil action could be maintained under it but § 115, Title 17 U.S.C., was amended September 7, 1957 and § 115(b) now contains the provision:

> "Civil Actions.—No civil action shall be maintained under the provisions of this title unless same is commenced within three years after the claim accrued."

Congress deferred operation of the provision one year and its effect evidently has been to establish the bar within the three year period whether the claim accrued before or after the effective date of the amendment. The present action was brought by the plaintiff on January 26, 1959, more than one year after the amendment and many years after the outstanding copyrights of the publishers were taken.

Plaintiff declares in the first paragraph of the complaint that the jurisdiction (of his action) is invoked under the Copyright Title, 17 U.S.C.A. so that the action is a civil action included in the terms of Section 115(b) of Title 17. It is brought, as shown, to correct the wrong claimed to have been done to plaintiff in taking out copyrights in 1937, 1940 and 1942, which he claims was wrongful and illegal. That claim of plaintiff accrued when the wrongs were done and more than three years elapsed before plaintiff brought his action here to abate the wrong.

Plaintiff has argued (as we understand) that his action is not barred because his rights as author of the songs endure 56 years and each use of a song unauthorized by him gives rise to a new cause of action in his favor. But the federal copyright law confers exclusive rights in respect to songs on which copyright has been obtained by

persons entitled thereto and to the extent of the provisions of the Act the author loses his right of control over his work. It is not presumed that copyrights duly registered have been fraudulently obtained; on the contrary, the statute (§ 209, Title 17) makes the certificate of the Register of Copyrights prima facie evidence in any court of the facts stated therein. Before the 1957 amendment of § 115, the maximum term in which the author of a song could sue for its infringement was governed by the limitation prescribed for the class to which the infringement action belonged by the law of the state where the action was brought. *Brady* v. *Daly*, 175 U.S. 148; *McCaleb* v. *Fox Film Corp.*, 299 Fed. 48; *Pathe Exchange, Inc.* v. *Dalke*, 49 F.2d 161. But the 1957 amendment to § 115 imposes its limitation of three years in all civil actions brought under Title 17.

The publishing of the songs and obtaining copyrights on them by virtue of the publishing if wrongfully done presents a different situation. The record of copyright stands in the way as an accomplished wrong that prevents plaintiff's use of his songs. There is no claim that plaintiff was not fully cognizant of the wrong when it was committed, nor any reason suggested why he failed to bring his action to annul it within the statutory time.

We note, however, that none of the district judges who have considered and dismissed the actions brought by Mr. Vance have seen fit to adjudicate in any of them upon the merits and there has been no determination that any of them was barred by limitation. In that state of the record it appears inappropriate for this Court to make decision to that effect in the first instance on the appeal. We do not find precedents as yet of the application of the new limitation, Section 115(b) Title 17, by any Circuit Court.

All of the judges who have considered and dismissed the cases brought by Mr. Vance in respect to the songs he claims have found that the complaints he composes and presents without the aid of counsel fail to meet the requirements of Rule 8 F.R.C.P. and that no jurisdiction was obtained. In none has he obtained valid service of indispensable parties. Judge Smith has so concluded in the present action.

The appellees complain that Mr. Vance has harassed them with his futile actions during the years and urge this Court to make an end of it but it is consistent with the record that they could readily find means to appear and have his claims adjudicated on the merits. We conclude the judgment appealed from is without error. It is

Affirmed

A true copy.

Attest:

Clerk, U. S. Court of Appeals, Eighth Circuit.

APPENDIX B.

(Judgment.)

United States Court of Appeals

FOR THE EIGHTH CIRCUIT.

No. 16273 - - - - September Term, 1959.
Monday, October 26, 1959.
Edward Vance, Appellant,

vs.

American Society of Composers, Authors and Publishers (ASCAP); Broadcast Music, Inc. (BMI); Shapiro, Bernstein & Co., Inc.; Edwin H. Morris & Co., Inc.; Duchess Music Corporation; Main Street Sons, Inc.; Jenkins Music Company; Decca Distributing Corporation; Decca Records, Inc.; Chancellor Records, Inc.; KMBC Radio and Television Broadcasting Station; WHB Radio Broadcasting Station; Katz Drug Company; Dick Howard; Bob Ellsworth; Russ Morgan; Curt Massey; Arbie Gibson; and Jimmie Hodges.

Appeal from the United States District Court for the Western District of Missouri.

This cause came on to be heard on the record from the United States District Court for the Western District of Missouri, and was argued by counsel.

On Consideration Whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

October 26, 1959.

APPENDIX C.

Description of Copyrights.

Exhibit No. 50, Certificate of Copyright Class E Unpublished No. 154423 Copyrighted in the name of Charles Friedman it is a waltz claim words and music which consist of two lines titled, "Somebody Else Is Taking My Place", October 2, 1937.

Exhibit No. 54, Application of Copyright by Charles Friedman. It is a waltz Class E Unpublished No. 153323. Claim Words and Music two lines, October 2, 1937.

Exhibit No. 55, Application of Copyright Class E Publication No. 65136 in the name of Back Bay Music Co., titled, "Somebody Else" (Is Taking My Place). Words and music by Bob Ellsworth and Dick Howard. Charles Friedman's name is not on the application. November 6, 1937.

Exhibit No. 51, Certificate of Copyright by Back Bay Music Company. Words and music by Dick Howard and Bob Ellsworth. Piano Score by Charles Friedman. November 6, 1937. Class E Publication No. 65136.

Exhibit No. 58, Purported Assignment of Copyright, signed by George J. Reardon, supposed to be representing Back Bay Music Co., a defunct organization at that time Recorded in Vol. 471 at page 193. This is not an assignment of Copyright. It does not have the above copyright registration on it. Class E Publication No. 65136 taken out by Back Bay Music Company, November 6, 1937. It does not show that the authors of the 1937 copyright have assigned their rights of copyright, the authors are joint

owners with the publishers. See R. p. 22, where respondents claim Russ Morgan's name is on the 1937 Class E Publication No. 65136, where respondents say it is certified. I had it certified. October 2, 1951, is the date of certification. I had the Applications and Certificates listed herein certified December 3, 1951, it shows on the face of the Exhibits.

Exhibit No. 52, a purported rearrangement in the name of Shapiro, Bernstein & Co., Inc. Arrangement by Paul Weirick, composer for hire claim arrangement for orchestra with words. Dick Howard, Bob Ellsworth and Russ Morgan's names are on this Certificate. Class E Publication Copyrighted December 31, 1941, No. 100648. Charles Friedman's name is not on it. No material on deposit in the copyright office for certificate Class E Publication No. 100648 on the certified court order Exhibit 36, is an x marked before this No. 100648 to show that there is no material on deposit.

Exhibit No. 53, Certificate of Copyright purported rearrangement copyright Class E Publication No. 101174. Copyrighted in the name of Shapiro, Bernstein & Co., Inc., December 30, 1941. Fox Trot titled "Somebody Else Is Taking My Place".

Exhibit No. 56, Application of copyright titled "Somebody Else" (Is Taking My Place) Class E Publication 100648. No authors' names on it published by Shapiro, Bernstein & Co., Inc., claim Paul Weirick Author of new matter which was arrangement for orchestra. Fox Trot Paul Weirick is author for hire by Shapiro, Bernstein & Co., Inc. He set the mechanical notes to my song. That is nothing constructive or creative?

Exhibit No. 57, Application of Copyright Class E Publication No. 101174 in the name of Shapiro, Bernstein & Co.,

Inc. No authors' names on this application claim revision of words additional words and change in music.

Exhibit No. 66. Certificate of Copyright Claim Curt Massey and Arbie Gibson authors of words and music Titled "The Honey Song" (Honey I'm In Love With You Published by Edwin H. Morris & Co., Inc. Copyrighted November 4, 1942. Published October 30, 1942. Claim that it is the original words and music.

Exhibit No. 67. Certificate of Copyright in the name of Edwin H. Morris & Co., Inc. Copyrighted January 12, 1944. claim arrangement of music by Joseph P. Elsnic Employee for hire claim arrangement for piano accordion. The music is the same as the 1942 copyright described above. the lyric is different but on the face of Exhibit 12 claim that it is the 1942 copyright that it is the original words and music by Curt Massey and Arbie Gibson. Made no claim of lyric rearrangement. Instead of putting the 1944 date which is on Exhibit 67. Put 1942 date so as to have a different lyric on record in the copyright office. to avoid mail fraud charges. No copyright was secured. No such person as Arbie Gibson.

Exhibit No. 60. Application of Copyright March 6 1929. Unpublished Class E No. 4312 in the name of Joseph Reichman and James S. Hodges. Titled "SOMEDAY".

Exhibit No. 63. Certificate of Copyright March 6, 1929 Class E. Unpublished No. 4312 in the names of James S. Hodges and Joseph Reichman. Titled "SOME DAY".

Exhibit No. 61. Application of Copyright September 10, 1940. by Jimmie Hodges published by Passantino Printing Co., Inc., on the face of Exhibit 25. claim that Main Street Songs published it in 1940. Joseph Reichman's Name is not on the 1940 copyright. Titled "SOMEDAY

YOU'LL WANT ME" (TO WANT you). Class E Publication No. 87510.

Exhibit No. 64. Certificate of Copyright September 10, 1940, by Jimmie Hodges. Joseph Reichman's name is not on this certificate Class E. Publication No. 87510. Titled "SOMEDAY YOU'LL WANT ME" (TO WANT YOU).

Exhibit No. 62. Application of Copyright in the name of Main Street Songs, Inc., Copyrighted December 30, 1944. Published December 29, 1944, on the song Exhibit 25. Main Street Songs, Inc., claims 1940 publication contrary to Exhibit 65, and Exhibit 64. Class E. Publication No. 128617, claim rearrangement copyright that new matter by Jimmie Hodges.

Exhibit No. 65. Certificate of copyright December 30, 1944, published by Main Street Songs, Inc. Class E. Publication No. 128617, claim Jimmie Hodges came in with new matter. Jimmie Hodges had already assigned his song to Main Street Songs, Inc., as shown on Exhibit No. 59. Main Street Songs, Inc., offered me an outside settlement saying it received the song as it is now from me. Main Street Songs lawyer made the offer for fear Main Street Songs, Inc., would become involved in a conspiracy I had charged ASCAP and its publisher members with. This is a purported rearrangement copyright.

Exhibit No. 59, a purported assignment of copyright supposed to have been made September 8, 1944, but not recorded in the copyright office until September 28, 1947, three years later. It's unlike the purported assignment of copyright made by Back Bay Music Co., Exhibit 58, this purported assignment does have the copyright registration number on it Class E, Publication No. 87510, Recorded in Vol. 644, Page 96. Jimmie Hodges demanded a recording of the assignment so he would not be held responsible for what Main Street Songs, Inc., did when it made a false rearrangement copyright in 1944.

APPENDIX D.

Statutes Involved Set Out.

1.

Title 28, U.S.C.A., Sec. 1338 (a), p. 65

(a) The District courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, copyrights and trade marks. Such jurisdiction shall be exclusive of the courts of the states in patent and copyright cases (R. pp. 1, 2, 14, 15, 60, 70, 71).

2.

Title 28, U.S.C.A., Sec. 1400 (a), p. 382

(a) Civil actions, suits, or proceedings arising under any Act of Congress relating to copyrights may be instituted in the district in which the defendant or his agent resides or may be found (R. pp. 1, 2, 14, 15, 60, 70, 71).

3.

Title 17, U.S.C.A., Sec. 112, p. 290. Injunctions: Service and Enforcement

Any court mentioned in section 1338 of Title 28 or judge thereof shall have power, upon complaint filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by this title, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this title may be served on the parties against whom such injunction

may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants (July 30, 1947, c. 391, Sec. 1, 61 Stat. 652; Oct. 31, 1951, c. 655, Sec. 16(c), 65 Stat. 716) (R. pp. 1, 2, 14, 15, 16, 60, 70, 71).

4

U.S.C.A., Title 17, Sec. 115 (a) and (b), p. 54

(a) Criminal proceedings.—No criminal proceedings shall be maintained under the provisions of this title unless the same is commenced within three years after the cause of action arose.

(b) Civil actions.—No civil action shall be maintained under the provisions of this title unless the same is commenced within three years after the claim accrued. (As amended Sept. 7, 1957, Pub. L. 85-313, Sec. 1, 71 Stat. 633.)

5

U.S.C.A., Title 17, Sec. 105, p. 284

Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this title, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than $100 and not more than $1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of

the same purport, which has not been copyrighted in this country, shall be liable to a fine of $100. July 30, 1947, c. 391, Sec. 1, 61 Stat. 652.

6.

U.S.C.A., Title 17, Sec. 101, Infringement, pp. 157, 158, 159:

If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) Injunctions—To an injunction restraining such infringement;

(b) Damages and profits: Amount; other remedies. As stated in Paragraphs (b) (c) (d) (e) too numerous to include in this petition.

7.

U.S.C.A., Title 17, Sec. 3, p. 47:

Sec. 3. The copyright provided by this title shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope or such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this title. July 30, 1947, c. 391, Sec. 1, 61 Stat. 652; Oct. 31, 1951, c. 655, Sec. 16 (a), 65 Stat. 716.

8.

U.S.C.A., Title 17, Sec. 2, p. 28, Rights of Author or Proprietor of unpublished works:

Nothing in this title shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor. July 30, 1947, c. 391, Sec. 1, 61 Stat. 652.

9.

U.S.C.A., Title 17, Sec. 1, p. 5, Exclusive Rights as to Copyrighted Works:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work; All other exclusive rights included from Paragraph (a) to (e) included, it being too long to print with this petition.

U.S.C.A., 37 Code Federal Regulations, Section 201.2(d)(2)(3).

APPENDIX E.

SELECT COMMITTEE ON SMALL BUSINESS

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES

EIGHTY-SIXTH CONGRESS

WASHINGTON 25, D.C.

Wright Patman, Tex., Chairman
Joe L. Evins, Tenn.
Abraham J. Multer, N. Y.
Sidney R. Yates, Ill.
Tom Steed, Okla.
James Roosevelt, Calif.
Charles H. Brown, Mo.
William M. McCulloch, Ohio
Arch A. Moore, Jr., W. Va.
William H. Avery, Kans.
H. Allen Smith, Calif.
Howard W. Robison, N. Y.
Edward J. Derwinski, Ill.

Committee Room:
129 House Office Building
Capitol 4-3121, Ext. 5827
Bryan H. Jacques
Staff Director
Everette Mac Intyre
General Counsel
Mrs. Marie M. Stewart
Clerk

August 10, 1959

Mr. Edward Vance
North River & Kentucky
Independence, Missouri

Dear Mr. Vance:

Thank you for supplying the Subcommittee with a copy of the record and brief pertaining to your proceeding against ASCAP and others.

The Subcommittee is actively interested in ASCAP at this time and, for that reason, the information which you have supplied is timely as well as interesting. Your interest in forwarding this material to the Subcommittee is greatly appreciated.

Sincerely yours,

s James Roosevelt
James Roosevelt
Chairman
Subcommittee No. 5